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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,697	03/04/2002	Akitaka Shinohara	1086.1156	2796
21171	7590	11/29/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER APPLE, KIRSTEN SACHWITZ	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/086,697	Applicant(s) SHINOHARA ET AL.	
	Examiner Kirsten S. Apple	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This action is in response to the applicants RCE filed on September 12, 2007.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carothers (US Patent Publication US 2002/0069117 A1) in view of Barron's (Non-Patent Literature, Dictionary of Finance and Investment Terms "option")

Re claim 1, 9-12: Carothers discloses:

A method, system, program, server, apparatus comprising:

Step receiving a request (by corporation or individual who is contract member requests a commerce transaction of a commodity purchase by participating in a marketplace) (see Carothers abstract, while this is shown in prior art it also is obvious physical auctions have

existed for years and electronic action from well before the date of application including this step of receiving a request)

A mediation step of approving a purchaser to transact in the second marketplace based of the first contract. (see Carothers, "peer-to-peer" feature Figure 1, item 11 is mediation step between users 22 and member 32 & 34)

Although Carothers does not have "credit guarantee", Barrons claims "credit guarantee" Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carothers by adapting "credit guarantee" of Barrons.

It is clear that one would be motivated to increase liquidity.

Re claim 2: Carothers discloses:

Mediation step = credit enquiry based on purchase history from first marketplace, when approved purchased is approved on second marketplace based on credit guarantee information. (see paragraph 60, line 10)

Re claim 3: Carothers discloses:

Mediation step = estimation based on plurality of items including: sending back (see paragraph 106)

Re claim 4: Carothers discloses:

Mediation step establishes an estimation standard, adds plus when item is satisfied and minus when item is not satisfied, determines guarantee based on total points (see paragraph 60, line 10 it is inherent in checking the credit that a method of ranking is used)

Re claim 5: Carothers discloses:

Mediation step show transaction information including the cost estimation and reply (see paragraph 60, line 1)

Re claim 6 & 7: Carothers discloses:

When commerce transaction is complete mediation step completes transaction by demanding payment from the purchaser from first marketplace and settling transaction on second marketplace (see paragraph 60, line 11)

Re claim 8: Carothers discloses:

When purchaser commits an unlawful transaction on the first marketplace mediation step discloses to second marketplace. (see Carothers, Figure 1, item 11 it is inherent in tracking the users that unlawful behavior would be known and shared)

Re claim 13: Carothers discloses:

When purchaser send a cost estimation (see Carothers, Figure 1, item 36)

Response to Arguments

Applicant's arguments filed September 12, 2007 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: Carothers does not teach "the first marketplace guarantees to the second marketplace the credit of purchases via the attached credit guarantee"

The Examiner refutes the argument made by the Applicant and draws the attention to Barrons – definition of an option. While Carothers is silent as the applicants points out - the examiner it would be inherent or at least obvious to use an options feature as a "credit guarantee." This is common in all financial transactions and would be very obvious to use here.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa


ELLA COLBERT
PRIMARY EXAMINER